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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IP LEARN, LLC,

Plaintiff and Counterdefendant,

v.

SABA SOFTWARE INC.; and
DOES 1-10,

Defendant and Counterclaimant.

AND RELATED COUNTERCLAIMS.

No. C 02-02634 JW (HRL)

**OPPOSITION TO SABA SOFTWARE
INC.'S MOTION FOR SUMMARY
JUDGMENT OF NON-INFRINGEMENT
RE: THE '448 AND '556 PATENTS**

[DOCUMENT FILED UNDER SEAL]

Date: June 9, 2003
Time: 9:00 a.m.
Judge: The Honorable James Ware
Courtroom: 8 (4th floor)

FILED UNDER SEAL PURSUANT TO PROTECTIVE ORDER

CONTAINS HIGHLY CONFIDENTIAL INFORMATION

Plaintiff, IP Learn LLC ("IP Learn") hereby opposes Saba Software Inc.'s Motion for Summary Judgment of Non-Infringement Re: the '448 and '556 Patents (the "Summary Judgment Motion"). The evidence in this case, including, but not limited to, the Declaration of William Horton, Saba's product literature, and its software, demonstrates that Saba's non-infringement positions are plagued by substantial issues of fact. Saba's motion must, therefore, be denied.